

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

-v-

MIGUEL RAMIREZ,

Defendant.

1:17-cr-290-GHW-3

ORDER

GREGORY H. WOODS, United States District Judge:

On August 26, 2019 the defendant was sentenced principally to a term of imprisonment of 218 months.

On May 8, 2024, the defendant filed a motion (the “Motion”) requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline amendment which went into effect on November 1, 2023 and applies retroactively. Dkt. No. 688. The United States Probation Department has issued a report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case, and the Motion, pursuant to 18 U.S.C. § 3582(c)(2).


It is hereby ORDERED that the defendant is ineligible for this reduction. The defendant is eligible for a status point reduction, which changes his criminal history category from V to IV, and which, in turn, results in a reduction of the advisory sentencing guidelines range from 262-327 months to 235-293 months. However, the original sentence of 218 months remains below the end of the amended guidelines range of 235-293 months. As a result, the Motion is denied.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 688, and to mail a copy of this order, together with the Court's order filed at Dkt. No 691, to Mr. Ramirez by first class mail.

SO ORDERED.

Dated: June 19, 2024
New York, New York



GREGORY H. WOODS
United States District Judge